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SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			PATEL, ASHOKKUMAR B	
			ART UNIT	PAPER NUMBER
			2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,758

Applicant(s)

MCCULLOUGH, SEAN M.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

RD

DETAILED ACTION

1. Claims 1-25 are subject to examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/6/05 has been entered.

Response to Arguments

3. Applicant's arguments filed 6/6/05 have been fully considered but they are not persuasive for the following reasons:

Applicant's argument:

"The Examiner states that Cohen fails to teach receiving a first frame identifier and a first network address at a first time, however, "Gerace discloses receiving a first frame identifier and a first network address at a first time by teaching the program 31." Applicant respectfully disagrees with this assessment.

After reviewing the sections of Gerace, Applicant cannot find where Gerace refers to a frame identifier. Instead, the program 31 of Gerace generates an initial screen view (commonly known as a "Home Page") and records a user's selection and viewing activity with respect to agate information on the page, such as stock market data, weather, sports, etc. By recording, user responses, a psychographic profile of a

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user can be created and used in the future to generate appropriate screen views to the user based on the created psychographic profile. (See Col. 3 Lines 35-40)

To obtain user responses and selections, program 31 of Gerace includes a User Session Object that records the referring link from which the user accessed program 31 (e.g. also called "bookmark" or hyperlink which effectively stores and forwards the Web site address of program 31). (See Col. 7, Lines 5-12). Thus, the program of Gerace records the web address from which a user accessed certain content. For example, when a user selects an ad or frame from a web page, program 31 would list a user as the requester and the web address of the page containing the frame as the page from which he made the request (See Col. 14, Lines 55-60). As the program of Gerace records a user's actions with respect to the web address of a page, and not individual frames within a page, Gerace does not disclose receiving a first frame identifier and a first network address at a first time as asserted by the Examiner.

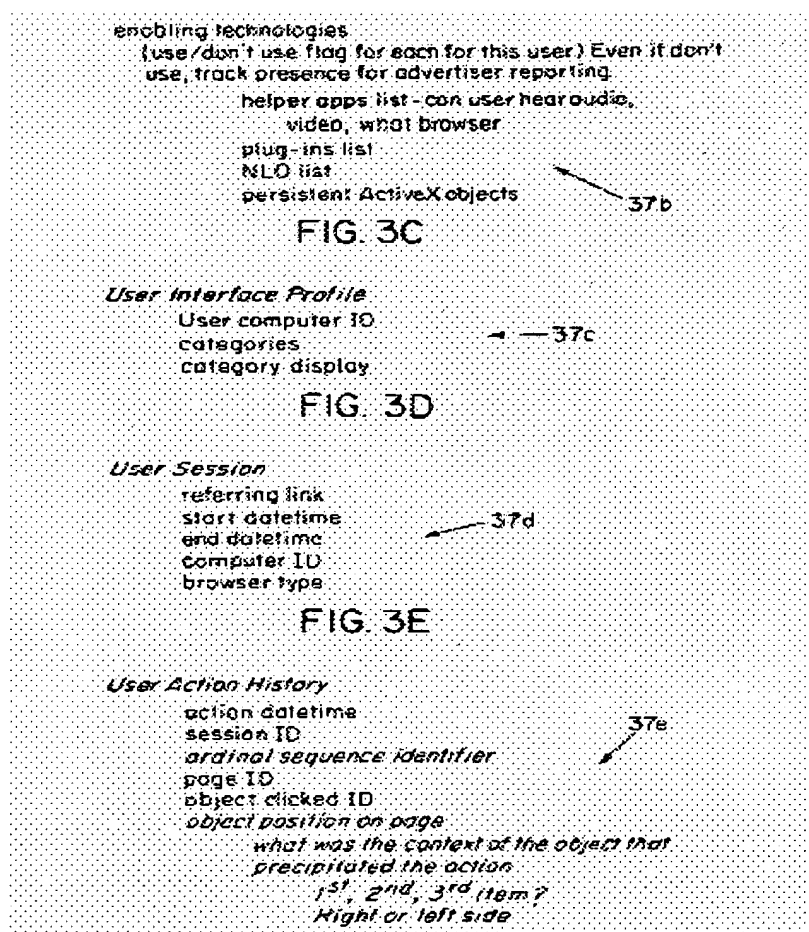
Examiner's response:

First of all, Examiner would like to thank the Applicant for providing an explanation on page 7 and 8 on claims 1, 8, 13 and 20 by stating examples. And as explanations by the examples state that "Each of these ads may be placed in a separate frame on a single web page displayed to a user. If the user accesses the content from one of these ads, the frame from which the user accessed the content may be determined using embodiments of the present invention. Thus, the ad which the user selected can also be determined and the relative efficacy of each of the different ads determined.", and "For example, suppose there are two frames displayed on a particular

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page, one containing an ad from a company which is linked to a piece of content of the company. Additionally, suppose the provider of the page, different from the company, has similarly included a link to the same content in the other frame. If a user accesses the content from the first frame the company may owe the provider money, however if a user accesses the same content from the second frame the ad company does not owe the provider any money. Embodiments of the invention may be used to determine from which frame the user accessed the content, and thus how much money the advertising company owes the provider."

Gerace teaches what is recorded by the program 31 concerning to the user's activities:



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User Viewing History

open datetime
 leave datetime
 ID
ordinal sequence identifier
 precipitating action ID
 related object ID
 item ID
 item orientation
 orientation relative to related object ID (either a page or
 an object). Must track each orientation separately, in
 case an ad encompasses an object
 top
 bottom
 left
 right
 background

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FIG. 3G

Messages / Notices and Warnings

to user
 from user
 include identifier
 subject
 message
 ad package ID (optional, system choice if null; if designated ID
 is expired package, look for next package by advertiser. If
 none, system choice)
 Page ID (to forward a page reference)
 Link to additional info
 Messages will be sent either internally* or *through e-mail
 Notices and Warnings will always be sent internally and be
 duplicated through e-mail if possible.
 Delivery Date
 Read date (specific user read msg on date/time)

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FIG. 4B

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Also, Gerace teaches in col. 7, line 16 –48, "The User Action History Object 37e stores each click of a mouse and corresponding cursor position to effectively record the user's motions/movements in a session. In particular, as illustrated in FIG. 3f, User Action History Object 37e records (a) date and time of action, (b) session identifier (indicating in which session of the User Session Object 37d the subject action occurred), (c) sequence or order number of the action in the series of actions that occurred in a common session, (d) identification of screen view displayed at time action occurred, (e) identification of item selected by user (via click of mouse with cursor positioned on item), and (f) screen position of selected item (e.g., first, second or third menu item, right or left side).

The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session. Specifically, User Viewing History Object 37f records an item identification (either agate or advertisement) and orientation of that item for each item displayed to (and hence viewed by) the user in a session. Orientation is noted relative to a page/screen view or an object identified in the "related object ID" field of the User Viewing History Object 37f. Preferably, orientation is indicated as being top, bottom, left, right or background of the screen view. The Viewing History Object 37f also records an identifier (of each screen view), ordinal sequence number (number order of screen view within series of screen views displayed in a session), and an indication of the action from which this screen view resulted (i.e., a reference to a corresponding User Action History Object

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37e). Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. The foregoing is stored in an object table record illustrated in FIG. 3g.

Please also note in Fig. 3G, "Must track each orientation separately, in case an ad encompasses an object."

Thus Gerace discloses "Each of these ads may be placed in a separate frame on a single web page displayed to a user. If the user accesses the content from one of these ads, the frame from which the user accessed the content may be determined using embodiments of the present invention." And also Gerace does elucidate and implement "to determine from which frame the user accessed the content."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (Pub. No. US 2002/0152237) (herein after Cohen) in view of Gerace (5, 991, 735).

Referring to claims 1, 2, 5 and 7,

The reference Cohen teaches "Using pre-programmed basic comparison rules and computer based mathematical models, matrices are used to represent statistical information about the visitor's sessions on the web site" (Abstract). It also teaches to

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put the tracked data during user's session in the appropriate structure. [0013], and stored in a database. [0014](generating an entry for a table). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). Thereby, the reference teaches that each entry in the database is made to record the user sessions wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference specifically fails to teach receiving a first frame identifier and a first network address at a first time. The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches in col. 7, line 16 -48, that the viewing history that includes the referring link and (d) identification of screen view displayed at time action occurred, (e) identification of item selected by user (via click of mouse with cursor positioned on item), and (f) screen position of selected item (e.g., first, second or third menu item, right or left side).

The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session. Specifically, User Viewing History Object 37f records an item identification (either agate or advertisement) and orientation of that item for each item displayed to (and hence viewed by) the user in a session. Orientation is noted relative to a page/screen view or an object identified in the

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"related object ID" field of the User Viewing History Object 37f. Preferably, orientation is indicated as being top, bottom, left, right or background of the screen view. The Viewing History Object 37f also records an identifier (of each screen view), ordinal sequence number (number order of screen view within series of screen views displayed in a session), and an indication of the action from which this screen view resulted (i.e., a reference to a corresponding User Action History Object 37e). Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links and an object identifications along with their orientations (frame identifiers and network addresses) along with the time of access to each of the referring links and an object identifications along with their orientations. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

Referring to claim 3,

The reference Cohen teaches the claimed elements. (Fig. 1, [0014 – 0019]).

Referring to claim 4,

The reference Cohen teaches the claimed element. (Fig. 2, [0030]).

Referring to claim 6,

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Keeping in mind the teachings of Cohen as stated above, the reference Cohen fails to teach network addressees owned by separate parties and, their ownerships and controls over each other as well as the report indicating that an user activated the second network address from the first network address. The reference Gerace teaches that the program controller obtains sponsor submitted advertisements from module 75, and generate a screen view formatted according to user preferences. (col.5, lines 43-47). (the first network address is significantly owned or controlled by a first party, the second network address is significantly owned or controlled by a second party; the first party is not significantly owned or controlled by the second party, and the second party is not significantly owned or controlled by the first party). The reference also teaches that the viewing history that includes the referring link and an object identifications along with their orientations (a user activated the second network address from the first network address) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links and an object identifications along with their orientations (frame identifiers and network addresses) along with the time of access to each of the referring links and an object identifications along with their orientations. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

Referring to claims 8, 9, 10 and 11,

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The reference Cohen teaches "Using pre-programmed basic comparison rules and computer based mathematical models, matrices are used to represent statistical information about the visitor's sessions on the web site" (Abstract). It also teaches to put the tracked data during user's session in the appropriate structure. [0013], and stored in a database. [0014](generating an entry for a table). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). The reference also teaches displaying a first view to a user, wherein the first view includes a first frame having a first frame identifier and a second frame having a second frame identifier (Fig. 1, [0014 – 0019]). Thereby, the reference teaches that each entry in the database is made to record the user sessions wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference specifically fails to teach receiving a first frame identifier and a first network address at a first time. The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches that the viewing history that includes the referring link and an object identifications along with their orientations (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the

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time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links and an object identifications along with their orientations (frame identifiers and network addresses) along with the time of access to each of the referring links and an object identifications along with their orientations. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

Referring to claim 12,

Keeping in mind the teachings of Cohen as stated above, the reference also teaches the recording of users activities in different viewing sessions (Fig. 2). The reference also teaches an activation of an object from a frame that is a child frame of the parent frame. (Fig. 2, [003], Fig. 1, 0014, 0015-0019). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). Thereby, the reference teaches that each entry in the database is made to record the user sessions wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference specifically fails to teach receiving frame identifiers and network addresses at a time.

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The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches that the viewing history that includes the referring link and an object identifications along with their orientations (first frame identifier and a first network address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links and an object identifications along with their orientations (frame identifiers and network addresses) along with the time of access to each of the referring links and an object identifications along with their orientations. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

Referring to claims 13, 14, 17 and 19,

Claims 13, 14, 17 and 19 are claims to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claims 1, 2, 5 and 7. Therefore, the claims 13, 14, 17 and 19 are rejected for the reasons set forth for the claims 1, 2, 5 and 7.

Referring to claim 15,

Claim 15 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 3. Therefore, the claim 15 is rejected for the reasons set forth for the claim 3.

Referring to claim 16,

Claim 16 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 4. Therefore, the claim 16 is rejected for the reasons set forth for the claim 4.

Referring to claim 18,

Claim 18 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 6. Therefore, the claim 18 is rejected for the reasons set forth for the claim 6.

Referring to claims 20, 21, 22 and 23,

Claims 20, 21, 22 and 23 are claims to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claims 8, 9, 10 and 11. Therefore, the

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claims 20, 21, 22 and 23 are rejected for the reasons set forth for the claims 8, 9, 10 and 11.

Referring to claim 24,

Claim 24 is a claim to a data processing system readable medium having code embodied therein, the code including instructions executable by a data processing system, wherein the instructions are configured to cause the data processing system to perform method steps of claim 12. Therefore, the claim 24 is rejected for the reasons set forth for the claim 12.

Referring to claim 25,

The reference Cohen teaches "Using pre-programmed basic comparison rules and computer based mathematical models, matrices are used to represent statistical information about the visitor's sessions on the web site" (Abstract). It also teaches to put the tracked data during user's session in the appropriate structure. [0013], and stored in a database. [0014](generating an entry for a table). The reference also teaches recording the user sessions individually with three primary dimensions, one, identity--who is accessing the site? , two, location - which pages did each user access, and in what order? , and three, time--when did the access occur? [0023, 0024, 0025]. The reference also teaches to record the list of parent and their children pages that are accessed by the user during a session. (Fig. 1, 0014, 0015-0019). Thereby, the reference teaches that each entry in the database is made to record the user sessions wherein each entry pertains to the page visited in accordance with the order it is visited, associated time of each visit of the page and who accessed the page. The reference

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specifically fails to teach receiving a first frame identifier and a requested network address at a first time, and the originating network address that is associated with a page containing the first frame. The reference Gerace teaches program 31 which records the user's selections and his viewing activity. (col. 4, lines 39-40). The reference also teaches in col. 7, line 16 –48, that the viewing history that includes the referring link and (d) identification of screen view displayed at time action occurred, (e) identification of item selected by user (via click of mouse with cursor positioned on item), and (f) screen position of selected item (e.g., first, second or third menu item, right or left side).

The User Viewing History Object 37f stores information indicative of the screen views displayed to the user in a session. Specifically, User Viewing History Object 37f records an item identification (either agate or advertisement) and orientation of that item for each item displayed to (and hence viewed by) the user in a session. Orientation is noted relative to a page/screen view or an object identified in the "related object ID" field of the User Viewing History Object 37f. Preferably, orientation is indicated as being top, bottom, left, right or background of the screen view. The Viewing History Object 37f also records an identifier (of each screen view), ordinal sequence number (number order of screen view within series of screen views displayed in a session), and an indication of the action from which this screen view resulted (i.e., a reference to a corresponding User Action History Object 37e). Lastly, the User Viewing History Object 37f records date and time of screen opening and closing for each screen view. (first frame identifier and a first network

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address at a first time) and other items shown in Figs. 3B-3G, Figs. 4A, 4B, 5A-5D. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Cohen by adding program 31 of Gerace such that the each step of a viewing history of an user is recorded as an entry to a table with each referring links and an object identifications along with their orientations (frame identifiers and network addresses) along with the time of access to each of the referring links and an object identifications along with their orientations. Thus, the gathered statistical information is represented such that inefficiencies in the Internet web site (web site) may be determined and eliminated manually or automatically as taught by Cohen.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp


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